

PATENT COOPERATION TREATY

PCT



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 125130	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/CZ 03/0051	International filing date (day/month/year) 18.09.2003	Priority date (day/month/year) 10.04.2003
International Patent Classification (IPC) or both national classification and IPC E02D27/01		
Applicant BENDA JIRI		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of 6 sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of 2 sheets.
3.	This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 13.10.2004	Date of completion of this report 14.09.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Geiger, H Telephone No. +49 89 2399-2962 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/CZ 03/00051**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-7 as originally filed

Claims, Numbers

1-7 received on 14.01.2005 with letter of 13.01.2005

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-7
Inventive step (IS)	Yes: Claims	
	No: Claims	1-7
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/CZ 03/00051

Re-Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such-statement

Reference is made to the following documents:

D1: EP-A-0378310

D2: US-A-6484473

D3: GB-A-1058611

1 Novelty - Article 33(2) PCT

re independent claim 1:

1.1 The present application does not fulfill the requirements of Article 33(1) PCT, because the subject-matter of independent claim 1 is **not new** in the sense of Article 33(2) PCT.

1.2 Document **D1**, which is regarded as the closest prior art discloses

(i) A method of making a flat foundation *suitable* for a floor with all features of the subject matter of claim 1, cf. **D1**: figs. 1, 3, and 7; col. 1, 1-5, col. 6, 29-50.

1.3 Moreover, the subject matter of claim 1 is not new with respect to the disclosure of documents **D2** and **D3** (cf. **D2**: figs. 2 & 4, col. 4, 52 - col. 6, 24 and **D3**: fig. 5; p. 1, 36-p. 2, 96, respectively).

note: Although the method as disclosed in either of the documents **D1** to **D3** is not explicitly used for making for floor subsoils of buildings, the method is suitable therefor, thus it takes the novelty of the method of claim 1.

re dependent claims 2-7:

2. Dependent claims 2-7 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, are new with respect to the available prior art; reference is made to the above citations.

2.1 Thus, even a combination of the features set out in these claims with the features of the independent claim would not lead to subject matter satisfying the criterion of novelty.

3 The subject matter of claims 1-7 is industrially applicable.

Remarks:

1 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the **relevant background art** disclosed in the documents **D1** to **D3** is not mentioned in the description, nor are these documents identified therein.

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- 2 Although claim 1 is drafted in the **two-part form** there are features incorrectly placed in the characterising portion, as they are disclosed in documents **D2** and **D3** in combination with the features placed in the preamble (Rule 6.3(b) PCT).

As to the further proceeding:

- 1 It is not at present apparent which part of the application could serve as a basis for a new, allowable claim. Should the applicant nevertheless regard some particular matter as patentable, an independent claim should be filed taking account of Article 6 PCT and Rule 6.3 PCT. The applicant should also indicate in the letter of reply the difference of the subject-matter of the new claim vis-à-vis the state of the art and the significance thereof.
- 2 When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 34(2)(b) PCT).
- 3 In order to facilitate the examination of the conformity of the amended application with the requirements of Article 34(2)(b) PCT, the applicant is requested to clearly identify the amendments carried out, no matter whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based (see also Rule 66.8(a) PCT).
- 4 The applicant is requested to file amendments by way of replacement pages in the manner stipulated by Rule 66.8(a) PCT. In particular, fair copies of the amendments should be filed preferably in triplicate.
- 5 Moreover, the applicant's attention is drawn to the fact that, as a consequence of Rule 66.8(a) PCT the examiner is not permitted to carry out any amendments under the PCT procedure, however minor these may be.

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CLAIMS

1. Method of floor shallow foundation in which the floor subsoil for buildings, particularly halls and assembly shops, is built on made-up earth base course (1), when the floor is shallow founded in that way that the first floor layer (5) from concrete-based material is laid on modified background, characterized by that at least one layer of cellular foil (3) in unfolded state is laid down onto the background before laying down the first floor layer (5), then this cellular foil (3) is overfilled with fill (4) from loose material reaching at least up to the height of the cellular foil (3), thus filling the cavities in its chambers, the fill (4) is compacted and the first floor layer (5) is laid down only now onto this compacted fill (4).

2. Method of floor shallow foundation according to the claim 1, characterized by that before laying down the cellular foil (3), the earth base course (1) is equipped with at least one pad from loose material on the basis of gravel and/or sand, which is then compacted, and thus bedding (2) for cellular foil (3) is created.

3. Method of floor shallow foundation according to the claim 2, characterized by that bedding (2) of grain size finer than the fill (4) is used, preferentially sand.

4. Method of floor shallow foundation according to the claims 1 to 3, characterized by that during building the floor subsoil, some layer, preferentially the one under the cellular foil (3), is equipped with at least one layer of geotextile (6) before laying down the first floor layer (5).

5. Method of floor shallow foundation according to claims 1 to 4, characterized by that quarry stone of the grain size 8 to 63 mm is used as the fill (4).

6. Method of floor shallow foundation according to the claims 1 to 5, characterized by that the fill (4) is compacted by at least eight travels of roller of 10 to 11 metric tons weight.

7. Method of floor shallow foundation according to the claims 1 to 6, **characterized by that** the fill (4) is created up to the height of at least 25 cm above the cellular foil (3) and then compacted by travels of roller using vibrations.

5 8. Floor subsoil made by the method according to some of the claims 1 to 7, **characterized by that** it contains a pad from cellular foil (3) with compartments and from the fill (4) between the surface of earth base course (1) and the first floor layer (5) based on concrete, where the cellular foil (3) is in the planar unfolded state and the fill (4) consists of loose material filling the compartments of this
10 cellular foil (3) and reaches at least from the lower edge of the cellular foil (3) at least up to its upper edge.

9. Floor subsoil according to claim 8, **characterized by that** at least one layer of bedding (2) of grain size finer than the fill (4) grain size is located under the
15 cellular foil (3), above the surface of the earth base course (1).

10. Floor subsoil according to claims 8 and 9, **characterized by that** at least one planar unfolded geotextile (6) is located between the first floor layer (5) and the surface of the earth base course (1), preferentially under the cellular foil (3).
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